

FILED  
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

03 SEP 11 PM 1:15

DAVID R. CHAMBERLIN,

Plaintiff,

v.

CIV 02-603 MV/DJS-ACE  
JB

THE CITY OF ALBUQUERQUE, and OFFICER  
ANDREW LEHOCKY, individually and in his  
official capacity as police officer,

Defendants.

**NOTICE OF COMPLETION OF BRIEFING  
FOR MOTION AND MEMORANDUM OF LAW  
OF DEFENDANTS TO BAR PLAINTIFF'S EXPERT,  
VANNESS BOGARDUS, III, FROM TESTIFYING AT TRIAL [Doc. 43]**

Defendants, through their attorneys, French & Associates, P.C. (Robert W. Becker, Esq.) and pursuant to Fed.R.Civ.P. 12(b)(6) and D.N.M.LR-Civ. 7, states the following for their Notice of Completion of Briefing for Motion and Memorandum of Law of Defendants to Bar Plaintiff's Expert, Vanness Bogardus, III, from Testifying at Trial [Docket No. 43]:

1. The parties have filed the following pleadings:

A. Motion and Memorandum of Law of Defendants to Bar Plaintiff's Expert, Vanness Bogardus, III, from Testifying at Trial [Docket No. 43];

B. Defendants' Reply Memorandum of Law in Support of Motion to Bar Plaintiff's Expert, Vanness Bogardus, III, from Testifying at Trial [necessitated by letters

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Plaintiff's counsel sent to Defendants (which are attached to Reply Memorandum of Law as Exhibits)];

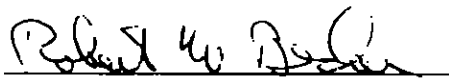
C. Plaintiff's Response to Defendants' Motion to Bar Plaintiff's Expert, Vanness Bogardus, III, from Testifying at Trial (Doc. 43) was due on August 21, 2003. Even though he was given an additional fourteen (14) day extension in which to file his Response (September 4, 2003), Plaintiff failed to file a formal Response but his letters to Defendants necessitate a Reply Memorandum of Law to fulfill counsel's duty of candor to the Court.

2. The briefing on Defendants' Motion to Bar Plaintiff's Expert, Vanness Bogardus, III, from Testifying at Trial [Doc. 43] is now complete.

**WHEREFORE**, Defendants, respectfully requests that this Court grant their Motion to Bar Plaintiff's Expert, Vanness Bogardus, III, from Testifying at Trial and for all other relief this Court deems just and proper.

Respectfully submitted,

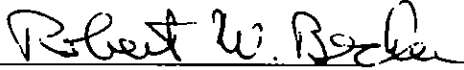
FRENCH & ASSOCIATES, P.C.

By:   
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I hereby certify that a true and correct copy of the foregoing was sent via U.S. Mail this 11<sup>th</sup> day of September, 2003 to:

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Robert W. Becker